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09/502,970	02/11/2000	Steven P. Capps	2300	5937

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Law Offices of Albert S. Michalik, PLLC  
704 - 228th Avenue NE  
Suite 193  
SAMMAMISH, WA 98074

EXAMINER

KE, PENG

ART UNIT PAPER NUMBER

2174

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/502,970

Applicant(s)

CAPPS ET AL.

Examiner

Peng Ke

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44, 70 and 71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44, 70 and 71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This action is responsive to communications: Amendment, filed on 9/21/05.

This action is final.

Claims 1-44, and 70-71 are pending in this application. Claims 1, 25, 29, 37, 44, and 70 are independent claims.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 2, 8-44, 70, and 71 are rejected under 35 U.S.C. 102(e) as being anticipated by Swartz et al. (US 2003/0028368).

As per claim 1, Swartz et al. teaches (Original) in a computer system having graphical user interface and a user interface selection device, a method of providing the user interface for selection therefrom, comprising:

maintaining information about a sequence of places visited on the computer system, the sequence extending across a plurality of applications; (See Swartz: paragraph 0072; Examiner interprets chronological order to be a sequence of places visited)

displaying, as part of a display of a first application of the plurality, (See Swartz et al: paragraph 0002, Examiner interprets the operating system to be the first application of the

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plurality. Snapshot Navigator Menu is inherently a part of a display of the operating system) a first selection mechanism associated with the sequence of places according to the information; (See Swartz et al: figure 3, item 303, paragraph 0029; Examiner interprets the Snapshot navigator menu to be a first selection mechanism)

in response to a signal indicative of a selection of first selection mechanism, navigating to a place in the sequence that is in a second application of the plurality. (See Swartz paragraph 0040; Examiner interprets selecting of subsequent application by using a mouse to be a navigating to a place in the sequence that is in a second application of the plurality.)

As per claim 2, Swartz teaches (Original) The method of claim 1. Swartz further teaches wherein navigating to a place comprises navigating to a previous place in the sequence. (See Swartz paragraph 0040)

As per claim 8, Swart teaches the method of claim 7. Swart teaches wherein displaying the representation of the information comprises displaying a recent places page comprising, for each of the places, a place link associated with the place. (See Swartz paragraphs 0032-0035)

As per claim 9, Swart teaches the method of claim 8. Swart teaches the method further comprising:

in response to a signal indicative of a selection of n of the place links, navigating to the place associated with the one place link. (See Swartz paragraphs 0032-0035)

As per claim 10, Swart teaches the method of claim 1. Swart teaches a method further comprising:

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maintaining information about applications that have been displayed on the computer system; and (See Swartz paragraphs 0032-0035)

displaying for each of the applications, according to a information about applications, a representation of the application. (See Swartz paragraphs 0030; Examiner interprets the thumbnails to be a representation of the application)

As per claim 11, Swart teaches the method of claim 10. Swart teaches a method further comprising:

in response to a signal indicative of a selection of one of the representations, taking action with respect to the application associated with the representation. (See Swartz paragraphs 0032-0035)

As per claim 12, Swart teaches the method of claim 10. Swart teaches wherein each of the representations for each of the applications comprises a representation of a place most recently visited by the application. (See Swartz: paragraph 0072; Examiner interprets chronological order to be a representation of the most recently visited the applications)

As per claim 13, Swart teaches the method of claim 12. Swart teaches further comprising:

in response to a signal indicative of a selection of a representation of a most recently visited place, displaying the most recently visited place in the respective application. (See Swartz: paragraph 0072)

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As per claim 14, Swart teaches the method of claim 10. Swart further teaches comprising:

in response to a signal indicative of a first selection of one of the representations displaying the application associated with the representation; (See Swartz paragraphs 0032-0035) and

in response to a signal indicative of a second selection of one of the representations, displaying places that have been displayed in the application. (See Swartz paragraph 0040)

As per claim 15, Swart teaches the method of claim 14. Swart further teaches wherein the second selection comprises providing a menu that displays places that have been displayed in the application. (See Swartz et al: figure 3, item 303, paragraph 0029)

As per claim 16, which is dependent on claim 14, it is of the same scopes claim 12. Supra

As per claim 17, Swart teaches the method of claim 1. Swart further teaches the method comprising:

maintaining information about each of the places, a information including a reference to page code used to implement the place. (figure 3, item “# slides: 4”, Examiner interprets Slides # to be page code)

As per claim 18, Swart teaches the method of claim 1. Swart further teaches method wherein the information about each of the places includes a reference to data that is combined with the page code to display the place. (figure 3, item “# slides: 4”, Examiner interprets Slides # to be page code)

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As per claim 19, Swart teaches the method of claim 18. Swart further teaches method wherein the information about each of the places includes view state information for the place. (figure 3 , item "1/28/98 4:58pm")

As per claim 20, Swart teaches the method of claim 1. Swart further teaches the method is a computer-readable medium having computer-executable instructions. (See Swart paragraph 0005-0009)

As per claim 21, Swart teaches the method of claim 1. Swart further teaches wherein in the second application includes display information associated therewith, and further comprising overriding the display information so as to display the place in the second application in accordance with drawing functions provided by the user interface. (See Swartz paragraphs 0032-0035)

As per claim 22, Swart teaches the method of claim 21, wherein overriding comprises suppressing the display information. (See Swartz paragraphs 0032-0035)

As per claim 23, Swart teaches the method of claim 21, wherein overriding comprises rerouting the display information to the drawing functions of the shell component. (See Swartz paragraph 0043; It is inherent when the focus is changed the interface is redrawn with the shell component)

As per claim 24, Swart teaches the method of claim 1, wherein the first application is displayed in a first application window, and wherein navigating to the place in the second

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application comprises displaying the place in a second application window that is not the same as the first application window. (figure 3, item 305)

As per claim 25, it is rejected with the same rationale as claim 1. Supra

As per claim 26, which is dependent on claim 25, it is of the same scope as claim 8.

Supra

As per claim 27, which is dependent on claim 25, it is of the same scope as claim 9.

Supra

As per claim 28, which is dependent on claim 25, it is of the same scope as claim 20.

Supra

As per claim 29, Swartz teaches in a computer system having a graphical user interface and a user interface selection device, a method of providing the user interface for selection therefrom, comprising:

maintaining information about applications configured to run on the computer system;  
(See Swartz: paragraph 0072; Examiner interprets chronological order to be a sequence of places visited)

displaying for each of the applications, according to the information about applications, a representation corresponding to the application, (See Swartz et al: figure 3, item 303, paragraph 0029; Examiner interprets the Snapshot navigator menu to be a first selection mechanism) such that the representation is displayed as part of at least one of the applications and in response to a signal indicative of a selection of one of the representations, (See Swartz et al: paragraph 0002, Examiner interprets the operating system to be the first application of the plurality. Snapshot



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Navigator Menu is inherently a part of a display of the operating system) displaying places that have been visited by the application. (See Swartz paragraphs 0032-0035)

As per claim 30-31, which is dependent on claim 29, it is of the same scope as claim 12-13 respectively. Supra

As per claim 32, Swartz et al. teaches the method of claim 29. Swartz further teaches wherein displaying places that have been visited by the application comprises opening a menu that displays places that have been displayed in the application. (See Swartz paragraphs 0035)

As per claim 33, which is dependent on claim 29, it is of the same scope as claim 16. Supra

As per claim 34, Swartz et al. teaches the method of claim 29. Swartz further teaches the representations of the applications are displayed on a selection bar. (See Swartz figure 3, item 301)

As per claim 35, which is dependent on claim 29, it is of the same scope as claim 12. Supra

As per claim 36, which is dependent on claim 29, it is of the same scope as claim 20. Supra

As per claim 37, Swartz teaches in a computer system, a method of navigating between places that have been visited by the computer system, comprising:

maintaining information about a place, the information including:

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a reference to first executable code for displaying the place; (See Swart paragraph 0005-0009)and

a reference to a data object that is bound with the executable code to display the place; (See Swartz paragraphs 0032-0035)

altering the data object in a second executable code as to form an altered data object; and in response to a request for the place, binding the altered data object and the first (See Swartz paragraph 0043)

executable code and displaying an altered place. (See Swartz paragraph 0043)

As per claim 38, which is dependent on claim 37, it is of the same scope as claim 19.

Supra

As per claim 39, Swartz teaches the method of claim 37. Swartz further teaches where in the altered data object includes view state information, and wherein the altered place is displayed according to the view state information. (See Swartz paragraph 0043)

As per claim 40, Swartz teaches the method of claim 37. Swartz further teaches wherein the altered place is displayed according to a view state registry. (See Swartz paragraph 0043)

As per claim 41, which is dependent on claim 37, it is of the same scope as claim 20.

Supra

As per claim 42, Swartz teaches the method of claim 37. Swartz further teaches wherein the reference to the data object comprises a moniker. (See Swartz paragraph 0030; Examiner interprets filename to be a moniker)

As per claim 43, which is dependent on claim 37, it is of the same scope as claim 20.

Supra

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As per claim 44, Swartz teaches a computer readable medium having stored thereon a data structure, the data structure comprising:

a first data field comprising a reference to a page code for use in rendering a place that has been visited on a computer system; and ; (See Swartz: paragraph 0072; Examiner interprets chronological order to be a sequence of places visited)

a second data field comprising a reference to a data object that is bound with the page code to display the place; and (See Swartz et al: figure 3, item 303, paragraph 0029; Examiner interprets the Snapshot navigator menu to be a first selection mechanism)

a third data field comprising view state information that selects a view state for a binding of the data object and the executable code. (See Swartz paragraph 0043)

45-69 (canceled),

As per claim 70, Swartz teaches in a computer system having user interface, a system for rendering a page on the user interface, comprising:

a data object corresponding to tile page; (See Swartz et al. figure 3, item 304)

page code corresponding to the page; (figure 3, item “# slides: 4”, Examiner interprets Slides # to be page code)

view state information corresponding to the page; (figure 3 , item “1/28/98 4:58pm”)

a data structure corresponding to the page and including references that bind the page code, the view state information and the data object to each other; (See Swartz: paragraph 0072; Examiner interprets chronological order to be a sequence of places visited)

a retrieval mechanism, the retrieval mechanism configured to access the data object, the page code and the view state information; and (See Swartz et al: figure 3, item 303, paragraph 0029; Examiner interprets the Snapshot navigator menu to be a first selection mechanism)

an interpreter, the interpreter connected to the retrieval mechanism and configured to render the page in accordance with the data object, the page de and the view state information. (See Swartz paragraph 0040)

As per claim 71, Swartz teaches the system of claim 70. Swartz teaches the system further comprise wherein the data object includes a second set of view state information, and further comprising a selection mechanism for determining view state information to use. (See Swartz paragraph 0043)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz (US 2001/0028368) in view Aragon (US 6,055,327).

As per claim 3, Swartz teaches the method of claim 2. However, he fails to teach where in the first selection mechanism comprises a back button.

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Aragon teaches using a back button to navigate through a list documents. (See Aragon col. 16, lines 30-45)

It would have been obvious to an artisan at the time of the invention to include Aragon's teaching with method of Swartz in order to allow user to navigate the documents without using a mouse.

As per claim 4, Swartz teaches the method of claim 2. However, he fails teaches furthermore comprising: displaying, along with the display of the first application, a second selection mechanism associated with the sequence of places according to the information, the selection of which navigates to the next place in the sequence of places.

Aragon teaches using a back button and a forward button to navigate through a list documents. (See Aragon: col. 16, lines 30-45)

It would have been obvious to an artisan at the time of the invention to include Aragon's teaching with method of Swartz in order to allow user to navigate the documents without using a mouse.

As per claim 5, Swartz and Aragon teach the method of claim 3. Aragon further teaches wherein the second selection mechanism comprises a forward button. (See Aragon: col. 16, lines 30-45)

As per claim 6, Swartz and Aragon teach the method of claim 5. Aragon further teaches when in the first selection mechanism comprises a back button. (See Aragon: col. 16, lines 30-45)

As per claim 7, which is dependent on claim 1, it is of the same scope as claim 4. Supra

***Response to Argument***

Applicant's arguments filed on 9/21/05 have been fully considered but they are not persuasive.

Applicant's arguments focused on the following:

A) Swartz does not teach a user interface, i.e. a shell navigation system.

B) Swartz's navigation menu is not intergraded into in any application.

C) Swartz fails to teach altering the data object in a second executable code so as to form an altered data object, and in response to a request for the place, binding the altered data object and the first executable code and displaying an altered place.

Examiner disagrees.

A) The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, the claim recites a user interface. Swartz teaches this limitation because the user can interact with Swartz's display (see Swartz; paragraph 0005-009)

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a shell navigation system) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

B) Swartz's navigation system is integrated to become a part of the operating system, because that is the only way for the navigation system to gain access to the "File System Hook" function of the operating system. (See Swartz, paragraph 0027) And the operating system is an application.

C) Swartz teaches this limitation in paragraph 0043. Swartz alters the navigation menu, and data object, (see Swartz, 0043, figure 8b) Swartz then forms an altered navigation menu, data object. (see Swartz, 0043, figure 8b) Finally Swartz binds the newly evoked application with the altered navigation menu. (see Swartz, 0043, figure 8b)

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peng Ke

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100